

MINUTES
WOODSTOCK PLAN COMMISSION
City Hall Council Chambers
July 15, 2021

A regular meeting of the Woodstock Plan Commission was called to order at 7:00 PM on Thursday, July 15, 2021, in the Council Chambers by Chairman Cody Sheriff. Chairman Sheriff described the procedures should members of the public wish to comment.

A roll call was taken.

PLAN COMMISSION MEMBERS PRESENT: Rick Bellairs, Arturo Flores, Steve Gavers, Robert Horrell, Doreen Paluch, Richard Ryan, and Chairman Cody Sheriff.

PLAN COMMISSION MEMBERS ABSENT: Jackie Speciale.

STAFF PRESENT: Building and Zoning Director Joe Napolitano, City Attorney TJ Clifton, and City Clerk Cindy Smiley.

APPROVAL OF AGENDA

Motion by D. Paluch, second by R. Horrell, to approve the Agenda as presented.

A roll call vote was taken. Ayes: Bellairs, Flores, Gavers, Horrell, Paluch, Ryan, and Chairman Sheriff. Nays: none. Abstentions: none. Absentees: Speciale. Motion carried.

ACCEPTANCE OF MINUTES

Motion by D. Paluch, second by S. Gavers, to accept the minutes of the June 17, 2021, Plan Commission Meeting as presented.

A roll call vote was taken. Ayes: Bellairs, Flores, Gavers, Horrell, Paluch, Ryan, and Chairman Sheriff. Nays: none. Abstentions: none. Absentees: Speciale. Motion carried.

1. PUBLIC COMMENTS

There were no comments forthcoming from the public.

2. NEW BUSINESS

a) Public Hearing – Text Amendment to the Unified Development Ordinance, Chapter 9, Parking and Loading Requirements

Chairman Sheriff stated this is a Public Hearing to consider a Text Amendment to Chapter 9, Parking and Loading Requirements of the Unified Development Ordinance.

A roll call was taken to establish a quorum.

PLAN COMMISSION MEMBERS PRESENT: Rick Bellairs, Arturo Flores, Steve Gavers, Robert Horrell, Doreen Paluch, Richard Ryan, and Chairman Cody Sheriff.

PLAN COMMISSION MEMBERS ABSENT: Jackie Speciale

Chairman Sheriff noted the presence of a quorum and confirmed all required notifications were made.

The Public Hearing was opened at 7:05 PM.

Petitioner Zack Olson, 400 Meadow Avenue, Woodstock, and Attorney Tyler Wilke were sworn in by Chairman Sheriff.

Mr. Wilke noted the petitioner is a contractor who contracts with the Woodstock Police Department for towing services. As part of the contract, he is required to be on call and must be on-scene within 25 minutes of being called. He stated overnight and during bad weather this could result in delays with the Police Department having to contact another contractor down the list.

Mr. Wilke stated they are proposing a change to Section 9.6.G of the UDO, which currently does not allow commercial vehicles to be parked in a residential district. An exception to this rule for tow trucks only is suggested, which would state “excluding passenger vehicles of the First Division and tow trucks that are owned and operated by a City contractor and are on call with the City of Woodstock.” This change would allow Mr. Olson and other tow truck drivers to park their tow trucks at home, when on-call. He opined this is a commonsense approach and creates a narrow exclusion for tow truck drivers and is consistent with the intent of the ordinance. Mr. Wilke also opined this will benefit the public by creating a faster response time.

Chairman Sheriff requested a Staff Report.

Mr. Napolitano stated the UDO currently does not allow commercial vehicles to park in a residential district. He noted the City received a complaint, after which Mr. Olson contacted the City to look for an option to address this, and a text amendment seemed to be the best approach. The proposed language is very narrow and limiting, which would lessen potential impacts. However, those living nearby may not like looking at a tow truck parked in their neighborhood.

Chairman Sheriff opened the floor to Commission questions.

In response to questions from Commissioner Bellairs, Mr. Olson stated he has been a contracted tow truck driver for the City for nine years. He stated he currently parks the truck at his shop, which is located just off Broadway Avenue, noting it takes between 5 and 15 minutes to get to an incident site depending upon traffic. Mr. Olson also stated he is currently renting his home, but will own it by the end of the year.

In response to a question from Commissioner Flores, Mr. Wilke stated as this will be a change to the UDO, anyone falling within the proposed exemption would be able to use it.

Commissioner Ryan noted Mr. Olson has been contracting with the City for 9 years and suddenly is proposing this change. He opined 5 or 10 minutes does not seem like a hardship to him. He further opined these trucks are an eyesore and would affect neighborhood property values which is an issue for him. Commissioner Ryan opined the size of the truck is problematic, wondering if this would be saying any tow truck is applicable to this.

Mr. Wilke stated Mr. Olson had been parking his truck at home for some time, but has been parking at his shop since receiving the violation earlier in the year. He noted he has not yet parked at his shop during winter, opining this might be a problem, as he does not know how long it will take to get to incident sites from that location during inclement weather. Mr. Wilke stated the language in the proposed exemption would apply only to those trucks contracting with the City and there are no heavy tow trucks used. In response to questions from Commissioner Ryan, Mr. Wilke stated it will apply to all tow truck operators that contract with the City but noted he does not know where they live and what their individual situations are.

In response to questions from Commissioner Ryan, Mr. Olson stated the trucks are called by the Police Department in a rotation, with a contractor skipped if he or she cannot make the call. He noted there are currently six tow truck contractors on the Police Department's list. He stated the window of time to respond to a call is 25 minutes.

In response to questions from Commissioner Ryan, Mr. Wilke stated he does not know if the Police Department has issues with the trucks making the calls on time. He stated this petition came about because the City brought to Mr. Olson's attention that he was not permitted to park his truck at home. He stated when thinking about what the response time will be from his shop once the weather changes, Mr. Olson asked to petition the City for this change to the UDO.

In response to a question from Commissioner Horrell, Mr. Napolitano stated the property owner is not required on the petition, as this is for a text amendment not for a particular property.

In response to a question from Commissioner Horrell, Mr. Olson stated the number of operators required at an incident could vary depending upon the situation, noting it is common for more than one. Commissioner Horrell stated it is hard for him to see the need for this change because there are six contracted operators, when probably only one or two are required, which would meet the needs of the Police Department. Mr. Wilke noted these are non-exclusive contractors who may also contract with other entities and might be on other calls when needed by Woodstock.

In response to a question from Commissioner Horrell, Mr. Napolitano stated in his conversations with the Police Chief, it was noted that their concern is clearing a scene as quickly as possible.

In response to a question from Commissioner Paluch, Mr. Napolitano stated he is not aware of anything that would prevent the Police Department from expanding the number of contractors registered with the City. Commissioner Paluch opined if the text amendment is approved, there is nothing to prevent other tow truck owners from registering with the Police Department so they can park their trucks at home. She stated this could open up a can of worms where the City will have more tow trucks parking in residential neighborhoods.

In response to Commissioner Paluch's statement, Mr. Olson stated the six trucks that are registered with the Police Department are the only ones which met the requirements in the Department's contract and have been in business in Woodstock for a very long time. Mr. Wilke noted a contracted company is required to have a brick-and-mortar presence in Woodstock.

Noting his experience being on call for snow removal, Commissioner Gavers stated the tow truck drivers must come out at all hours, noting there are only so many companies in town. He opined the Police Department would get upset if a truck is not there in the allotted time.

In response to questions from Commissioner Gavers, Mr. Olson stated his truck is a 16,000 to 20,000 lb. flatbed truck. He stated, if his petition is approved, he would park his truck on the side of his house and confirmed he would be purchasing his home by the end of the year. He also confirmed he owns his shop on Broadway. Mr. Wilke described in more depth where Mr. Olson would park his truck, stating it would be on the side of his garage on an improved hard surface.

Commissioner Gavers stated he knows the time limits placed on tow truck drivers, agreeing it could be problematic. He opined in winter it could be an even bigger problem, stating he understands where Mr. Olson is coming from. He also opined Mr. Olson's truck is not very big.

In response to Commissioner Flores statement noting that in looking at the aerial photograph, there is only so much room available to the side where Mr. Olson could put asphalt, Mr. Napolitano indicated that there is adequate side yard on Mr. Olson's lot to fit the tow truck.

In response to questions from Commissioner Bellairs, Mr. Napolitano confirmed that the text amendment would apply citywide. Other tow truck drivers without adequate area to the side of a garage would be able to park in front of the garage. Mr. Olson stated he did not know how many other drivers park at their businesses or home and stated he could get called out at least twice a night.

In response to a question from Chairman Sheriff, there was no Public Comment.

Chairman Sheriff opened the floor to Commission discussion.

Commissioner Bellairs stated he is not in favor of this amendment. He stated he sympathizes with Mr. Olson, but believes bringing commercial vehicles into a residential district is problematic.

Commissioner Flores expressed concerns, opining this could be abused. He, too, stated he sees Mr. Olson's points, but noted being a contractor for the City should not be a big enough reason to give him exclusivity to do this, opining this would not be fair. He agreed inclement weather could cause a delay, but opined this could be misused with tow trucks parked in residential neighborhoods throughout the year.

Commissioner Ryan agreed with the points made thus far, opining this would be an open-ended situation and there would have to be many refinements to the contractors' agreements, which would create problems down the road. He opined property values should be a concern also.

Commissioner Horrell stated he is not in favor of this text amendment, opining it could lead to more people applying to contract with the City, which would lead to more tow trucks parked in residential neighborhoods. He opined the requirement to have a brick-and-mortar presence in Woodstock means the Police Department thinks the contractor could be able to make a call within the 25 minutes. He also opined the Police Department must feel six contractors are meeting its needs. Commissioner Horrell noted this is not a property specific question, noting the amendment looks to change the text for six tow trucks and maybe more.

Commissioner Paluch stated she is undecided. She noted this contractor is providing a service to the City, which is a benefit to the community overall. She opined when looking at a limited number

of contractors, the benefit to the residents as a whole outweighs the impact on the neighborhood, which would sway her in favor of the petition. She also opined that without limiting the number of trucks, it concerns her that this may open the flood gate, however.

Commissioner Gavers stated he disagrees with those members expressing opposition. He opined of the six tow truck drivers in town, probably four drive their trucks home. He opined these contractors are like first responders, working hand in hand with them at times in life and death situations. He opined if the Commission puts guidelines in place, Mr. Olson would abide by them.

Chairman Sheriff stated he is also on the fence. He stated he understands the wish to protect property values. He stated he would be comfortable with the text amendment if it did not allow parking in the front yard setback as this would greatly reduce the number of properties where such parking could occur. Commissioner Bellairs opined this would put the trucks closer to neighbors.

In response to a question from Commissioner Bellairs concerning the number of drivers and trucks that each business has, Mr. Olson stated all of the companies only have one on call at a time. Commissioner Horrell noted this means wherever that driver lives, he will have to park at his home, which means this could impact even more locations.

Commissioner Flores suggested an amendment to the text allowing this only during inclement weather, citing November 1 through April 30 as an example.

Commissioner Flores opined Mr. Olson's truck would not clear the sidewalk, if parked where indicated, which could be a safety issue. Commissioner Gavers agreed the trucks must not block the sidewalk. Mr. Napolitano noted the proposed text amendment would apply only to those tow trucks contracted with the City.

In response to a question from Commissioner Bellairs, Mr. Napolitano stated if parking were prohibited by a Homeowners' Association, they would have to enforce their own rules, as the City would not enforce the HOA's regulations.

Commissioner Gavers stated he would support the compromises suggested.

Chairman Sheriff proposed the following amendment to the proposed language that would read "the truck could not be parked within the front yard setback of the underlying zoning district."

A short discussion of this ensued with Mr. Napolitano stating a tow truck would not be allowed to park in front of the garage unless there is a larger lot with a long driveway. He stated pavement can be one foot from any lot line. In response to a question from Commissioner Bellairs, Mr. Olson stated he does have another driver who does not live in Woodstock.

Commissioner Horrell opined the setback is not the only issue, stating the neighbors should be a consideration. He supported Crystal Lake's inclusion of the prohibition against the idling of diesel engines. He also questioned the need for this text amendment, noting the Commission has not heard from the Police or Fire Department that there is a problem. He opined if there is, a simpler solution would be increasing the number of trucks. Commissioner Horrell stated he appreciates the job done by these companies, but opined a text change may be far reaching and should not be done unless there is a demonstrated need.

Chairman Sheriff opined this could always be reconsidered if there are unintended consequences. Noting Commissioner Horrell's comment, Chairman Sheriff proposed the addition of the following language to the proposed amendment: No idling of diesel engine tow trucks is permitted.

Discussion followed of inclusion of language to limit the dates to reflect inclement weather. Mr. Wilke opined the language as proposed is trying to address a safety issue that is year-round, noting Mr. Olson is called out day-in and day-out, year-round. Commissioner Gavers noted the Commission is trying to reach an agreeable compromise, which balances the issues, including respect for the neighbors, opining it will not be perfect for everyone.

Discussion followed on the weight of the trucks, with Commissioner Ryan opining a neighbor would not be happy with a 20,000-to-40,000-pound tow truck parked next door. Commissioner Gavers suggested including language which limits the amendment to single-axle tow trucks, which would limit the weight. Mr. Olson showed everyone a photo of his truck, noting it is a single axle. In response to comments from Commissioner Horrell, Mr. Wilke stated all Police Department contracted tow trucks are single-axle flatbed trucks, noting some have light-duty wreckers, which they do not use for this service. Commissioner Paluch suggested adding the following language to the proposed amendment: "...First Division and single axle flatbed tow trucks that are owned and operated by a City contractor and are on call with the City of Woodstock..." Mr. Olson confirmed that flatbeds are required by the contracts, noting no one on the contract has heavy or medium duty equipment. Commissioner Horrell stated the contract language could change, opining the text amendment language needs to be specific.

Noting there is no mention of a weight limit in the proposed language, Commissioner Horrell asked if there is any concern with wear and tear on the City streets. Mr. Napolitano stated the maximum weight limit for a single axle is 20,000 pounds. Commissioner Gavers noted the weight of a garbage truck is 50,000 to 64,000 lbs. A brief discussion ensued of the fairness of the proposed text amendment to other vendors and providers, and whether this action could open the City up to more requests. Commissioner Gavers opined having a contract with the City would provide some protection against this, noting it is a service to the City.

Commissioner Bellairs opined the impact on the neighbors has not been addressed, noting a truck parked on the side of the garage would be right on the side of the neighbor's house. Commissioner Flores agreed, expressing his concern for the neighbors if the truck goes out multiple times a night.

In response to Chairman Sheriff's question concerning the original complaint, Mr. Napolitano stated it was anonymous and was more about appearance.

Commissioner Ryan asked for more research prior to voting on the text amendment, noting there has been no complaint from the Police Department and no information or communication from the other contractors. Mr. Napolitano stated he has spoken with the Police Chief, who stated the quicker the truck can get to the scene of an incident, the better.

In response to questions from the Commission, Mr. Olson confirmed some of his calls are private and not City related, with both City-related and private calls occurring in the same night. Commissioner Horrell opined the text amendment is not needed and the impact would be too great.

Motion by D. Paluch, second by S. Gavers, to recommend approval of a text amendment to section 9.6.G Use of Parking Facilities of the Unified Development Ordinance as follows:

Commercial vehicles, including contractor's equipment, having a gross vehicle weight greater than 12,000 pounds and/or having a license plate designation other than "B" or "D" as defined in the Illinois Motor Vehicle Code, but excluding passenger vehicles of the First Division and single axle flatbed tow trucks that are owned and operated by a City Contractor and are on call with the City of Woodstock, shall not be parked on residentially used or zoned lots or parcels, except when making a delivery or providing a service. The parking of any single-axle flatbed tow truck as allowed above, is subject to the following additional limitations:

- 1) No portion of a tow truck shall be parked within the required front yard setback of the underlying zoning district;
- 2) Parking of tow trucks shall only be allowed between November 1 and April 30; and
- 3) No idling of diesel engine tow trucks is permitted.

Discussion of the language ensued with Commissioner Ryan again requesting more research. In response to a question from Commissioner Gavers concerning procedure, City Attorney Clifton stated a permit procedure could be developed similar to a Special Use Permit, which would be looked at on a case-by-case basis, noting it could be similar to a variance. Chairman Sheriff opined it could be an administrative variance with a mailing to the neighboring property owners.

In response to a question from Commissioner Gavers, Mr. Napolitano stated Mr. Olson's neighbor is probably 9 feet from where Mr. Olson will be parking. Discussion of this ensued with Commissioner Flores showing a Google Earth photo of the properties. Commissioner Paluch opined it does not matter how far Mr. Olson's garage is from the neighbor's property as the Commission is considering a text amendment that is not property specific.

A roll call vote was taken. Ayes: Gavers, Paluch, and Chairman Sheriff. Nays: Bellairs, Flores, Horrell, and Ryan. Abstentions: none. Absentees: Speciale. Motion failed.

The Public Hearing was closed at 8:26 PM.

1. PUBLIC COMMENT

A member of the Public requested to speak as he missed the Public Comment portion of the meeting earlier.

John Coble, 548 Barbary Lane, stated he soon will close on property located at 27 North Street in Woodstock Station. Stating he believed the item would be on this evening's agenda, Mr. Coble requested information on what is going on with the proposed development in that area. Mr. Napolitano stated there are conceptual plans available, noting the developer and the City have been working through the process to develop that property, briefly explaining it. He offered his business card, noting he would be happy to show Mr. Coble the plans and provide additional information.

3. OLD BUSINESS

There was no Old Business

4. DISCUSSION

Mr. Napolitano stated the City is one of 10 finalists in the T-Mobile Hometown Techover, and as such received a \$50,000 check. He provided information on what the winner will receive, noting a decision is expected in late summer.

Mr. Napolitano gave an update on the PanCor development, noting they have come to terms on the Development Agreement, but have not yet submitted.

Mr. Napolitano stated next month the City expects to move forward with the various property annexations previously discussed.

He also noted Aldi has broken ground, Jersey Mike's has submitted plans and gotten Health Department approval, and BP is interested in moving forward. He stated there is a proposal before the City Council for the property across from Culver's to include a hotel and two commercial restaurant sites.

In response to a question from Commissioner Horrell, Mr. Napolitano stated the City is stepping up commercial enforcement as well as residential, providing additional information on what this will entail.

ADJOURN

Motion by D. Paluch, second by R. Bellairs, to adjourn this regular meeting of the Woodstock Plan Commission, to the next regular meeting on Thursday, August 19, 2021, at 7:00 PM in the Council Chambers at Woodstock City Hall. Ayes: Bellairs, Flores, Gavers, Horrell, Paluch, Ryan, and Chairman Sheriff. Nays: none. Abstentions: none. Absentees: Speciale.

The meeting was adjourned at 8:37 PM.

Respectfully submitted,
Cindy Smiley
City Clerk